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RANKING SYSTEM DELAY COULD HALT SUPERFUND SITE PROPOSALS UP TO 8 MONTHS

Delays in issuing the revised Superfund hazard ranking system — the method used to assess Superfund sites — could bring to a halt proposals for new national priorities list sites for at least eight months, drastically slowing cleanup, charge environmentalists. EPA is required by law to issue a final HRS by October, but a proposal is not due until late February — leaving some sources to predict that the final HRS will not emerge until February 1989. EPA plans within the next month to propose a group of sites for the seventh update to the NPL, while a separate set of federal facilities will be proposed for the NPL in April. However, agency sources say that after April EPA will not consider any additional sites until the new HRS is issued, so as not to leave sites in the precarious position of being proposed under the old system and revised under the new.

"Routine delays" have caused the setback in the HRS revisions, says an agency source, who believes the October deadline is unrealistic and predicts that the final HRS will likely not be issued until February 1989. But section 105 of the Superfund Amendments & Reauthorization Act (SARA) makes October the sunset for the existing HRS. The post-October lag time until the new HRS is issued creates a legal dilemma unforeseen by the law, explains a congressional staffer. While one EPA source reads the law to allow use of the old HRS until the new one is issued, others are less certain. Regardless of when the final HRS is issued, EPA has made a decision to defer proposal of any new sites under the old HRS after April.

"We will do everything we can to meet the October date," says an EPA source, and officials insist EPA will meet the deadline. Another source adds, however, that "We won't likely beat the deadline by much or, if any, at all." A third agency source says: "We won't propose new sites that couldn't go final before the new HRS is effective." Sources say that if EPA misses the deadline, the agency must consider what to do during the interim period.

"I'm concerned about [NPL] update number eight not taking place until well into '89," says a state source, who believes the lag will stand as an impediment for states that want to move additional sites forward. Congressional sources, too, urge EPA to meet the deadline, and in the meantime, continue to propose and list sites as final: "They should go for it and propose and go final [with sites] by October," says one congressional aide.

"They'll definitely get sued if they stop scoring sites," says a source involved in Superfund reauthorization. This source says pointedly that the law assumed EPA would meet the statutory deadline, and thus did not provide direction during the post-October lag time.

One "frustrated" environmentalist fears that all sites will be put on hold if no new HRS is issued by October. EPA will fear litigation "one way or the other," if the agency tries to propose or go final under the old HRS during that period, the source believes.

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